

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 05, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDGAR OMAR HERRERA FARIAS,
Defendant.

No. 4:15-CR-06049-EFS-16

**ORDER RE: DEFENDANT'S
MOTION REGARDING COUNSEL'S
ACCESS TO DISCOVERY**

Before the Court, without oral argument, is Defendant Edgar Omar Herrera Farias' Motion Regarding Counsel's Access to Discovery, ECF No. 1346, and related motion to expedite, ECF No. 1347. Defense counsel Shea Meehan requests access to discovery that is under a protective order, ECF No. 75. Defense counsel avers the Government does not object to Defendant's motion.

On September 12, 2016, the Court entered a protective order that prohibited defense counsel from providing original or copies of discovery materials to any other person, including subsequently appointed or retained defense counsel. ECF No. 75. On December 6, 2018, the Government filed the Second Superseding Indictment charging Defendant. ECF No. 105. Trial for Defendant was scheduled for October 10, 2018. ECF No. 740. On the morning of trial, Defendant pled guilty to Count One

1 of the Second Superseding Indictment. ECF No. 990. On April 10, 2019, defense
2 counsel, Peter Schweda, informed the Court that Defendant wished to withdraw his
3 guilty plea and subsequently asked to withdraw as counsel. ECF No. 1224. On April
4 17, 2019, Shea Meehan was appointed to represent Defendant. Shortly after, Mr.
5 Meehan received discovery from Defendant's prior counsel. Upon reviewing the
6 discovery materials, Mr. Meehan discovered materials subject to the September 12,
7 2016 protective order. Mr. Meehan now requests permission to review the discovery
8 subject to the protective order.

9 The Court grants Defendant's motion. Although the documents under the
10 protective order shall remain under the protective order, defense counsel must have
11 access to these documents to prepare Defendant's defense. Thus, the Court finds
12 good cause to grant Defendant's motions and Mr. Meehan may review the discovery
13 materials.

14 **IT IS HEREBY ORDERED:** Defendant's Motion Regarding Counsel's Access
15 to Discovery, **ECF No. 1346**, and related motion to expedite, **ECF No. 1347**, are
16 **GRANTED**. Defense counsel may review the discovery materials subject to the
17 terms of the protective order, ECF No. 75.

18 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
19 provide copies to counsel.

20 **DATED** this 5th day of February 2020.

21
22 s/Edward F. Shea
EDWARD F. SHEA
Senior United States District Judge